

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RANDY LOUIS NEHLS, SR.,

Plaintiff,

v.

ORDER

18-cv-560-jdp

NANCY BERRYHILL

Acting Commissioner of Social Security,

Defendant.

Plaintiff has filed a motion for attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, in the amount of \$5,468.54 in fees and \$16.26 in costs in full satisfaction of any claim for fees and costs in this case. Defendant Nancy Berryhill, Commissioner of the Social Security Administration, does not oppose plaintiff's counsel's request. Accordingly, I am granting plaintiff's counsel's motion.

EAJA fees belong to plaintiff as the prevailing party, not to his attorney. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). Accordingly, the EAJA award is subject to offset, to satisfy any pre-existing debt that plaintiff may owe the United States. *Id.* Provided that the award is offset to satisfy any pre-existing debt, the prevailing party may assign the fee award directly to his attorney. *See Mathews-Sheets v. Astrue*, 653 F.3d 560, 565 (7th Cir. 2011), *overruled on other grounds by Sprinkle v. Colvin*, 777 F.3d 421 (7th Cir. 2015).

After entry of this order, if counsel for the parties can verify that plaintiff owes no pre-existing debt subject to offset, then the Commissioner will direct that \$5,468.54 in fees and \$16.26 in costs be paid to Howard Olinsky, pursuant to the EAJA assignment signed by plaintiff and his counsel. Dkt. 18.

ORDER

IT IS ORDERED that plaintiff Randy Louis Nehls, Sr., is awarded attorney fees in the amount of \$5,468.54 and costs in the amount of \$16.26. This amount is to be made payable to plaintiff's attorney, Howard Olinsky, contingent upon payment of money owed to the United States.

Entered: April 8, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge